

Senate Study Bill 1212 - Introduced

SENATE FILE _____

BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON DANIELSON)

A BILL FOR

1 An Act relating to licensure of professionals practicing
2 addiction counseling or providing addiction prevention
3 services by the behavioral science board, making penalties
4 applicable, and including effective date provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 147.1, subsections 3 and 6, Code 2013,
2 are amended to read as follows:

3 3. "*Licensed*" or "*certified*", when applied to a physician
4 and surgeon, podiatric physician, osteopathic physician and
5 surgeon, physician assistant, psychologist, chiropractor,
6 nurse, dentist, dental hygienist, dental assistant,
7 optometrist, speech pathologist, audiologist, pharmacist,
8 physical therapist, physical therapist assistant, occupational
9 therapist, occupational therapy assistant, orthotist,
10 prosthetist, pedorthist, respiratory care practitioner,
11 practitioner of cosmetology arts and sciences, practitioner
12 of barbering, funeral director, dietitian, marital and
13 family therapist, mental health counselor, social worker,
14 addiction counselor, advanced addiction counselor, addiction
15 prevention professional, massage therapist, athletic trainer,
16 acupuncturist, nursing home administrator, hearing aid
17 dispenser, or sign language interpreter or transliterator means
18 a person licensed under this subtitle.

19 6. "*Profession*" means medicine and surgery, podiatry,
20 osteopathic medicine and surgery, practice as a physician
21 assistant, psychology, chiropractic, nursing, dentistry,
22 dental hygiene, dental assisting, optometry, speech pathology,
23 audiology, pharmacy, physical therapy, physical therapist
24 assisting, occupational therapy, occupational therapy
25 assisting, respiratory care, cosmetology arts and sciences,
26 barbering, mortuary science, marital and family therapy, mental
27 health counseling, social work, addiction counseling, addiction
28 prevention services, dietetics, massage therapy, athletic
29 training, acupuncture, nursing home administration, hearing
30 aid dispensing, sign language interpreting or transliterating,
31 orthotics, prosthetics, or pedorthics.

32 Sec. 2. Section 147.2, subsection 1, Code 2013, is amended
33 to read as follows:

34 1. A person shall not engage in the practice of medicine
35 and surgery, podiatry, osteopathic medicine and surgery,

1 psychology, chiropractic, physical therapy, physical
2 therapist assisting, nursing, dentistry, dental hygiene,
3 dental assisting, optometry, speech pathology, audiology,
4 occupational therapy, occupational therapy assisting,
5 orthotics, prosthetics, pedorthics, respiratory care,
6 pharmacy, cosmetology arts and sciences, barbering, social
7 work, dietetics, marital and family therapy or mental health
8 counseling, addiction counseling or addiction prevention
9 services, massage therapy, mortuary science, athletic
10 training, acupuncture, nursing home administration, hearing aid
11 dispensing, or sign language interpreting or transliterating,
12 or shall not practice as a physician assistant, unless the
13 person has obtained a license for that purpose from the board
14 for the profession.

15 Sec. 3. Section 147.13, subsection 16, Code 2013, is amended
16 to read as follows:

17 16. For marital and family therapy, ~~and~~ mental health
18 counseling, addiction counseling, and addiction prevention
19 services, the board of behavioral science.

20 Sec. 4. Section 147.14, subsection 1, paragraph m, Code
21 2013, is amended to read as follows:

22 *m.* For behavioral science, three members licensed to
23 practice marital and family therapy, all of whom shall be
24 practicing marital and family therapists; three members
25 licensed to practice mental health counseling, one of whom
26 shall be employed in graduate teaching, training, or research
27 in mental health counseling and two of whom shall be practicing
28 mental health counselors; one member licensed to practice
29 addiction counseling; one member licensed to practice advanced
30 addiction counseling; one member licensed to practice as an
31 addiction prevention professional; and three members who
32 are not licensed to practice marital and family therapy, or
33 mental health counseling, addiction counseling, or addiction
34 prevention services and who shall represent the general public.

35 Sec. 5. Section 147.74, Code 2013, is amended by adding the

1 following new subsection:

2 NEW SUBSECTION. 23A. An addiction counselor licensed
3 under chapter 154D may use the words "licensed addiction
4 counselor" after the person's name or signify the same by
5 the use of the letters "L.A.C." after the person's name. An
6 advanced addiction counselor licensed under chapter 154D may
7 use the words "licensed advanced addiction counselor" after the
8 person's name or signify the same by the use of the letters
9 "L.A.A.C." after the person's name. An addiction prevention
10 professional licensed under chapter 154D may use the words
11 "licensed addiction prevention professional" after the person's
12 name or signify the same by the use of the letters "L.A.P.P."
13 after the person's name.

14 Sec. 6. Section 154D.1, Code 2013, is amended by adding the
15 following new subsections:

16 NEW SUBSECTION. 01. "*Addiction counseling*" means counseling
17 of persons with substance use disorders which consists of
18 the application of general counseling theories and treatment
19 methods adopted with the express purpose of treating alcohol
20 and drug problems.

21 NEW SUBSECTION. 001. "*Addiction prevention services*" means
22 services that implement strategies and activities that have
23 been shown to increase protective factors, prevent high-risk
24 behaviors, and effectively reduce rates of substance abuse and
25 addiction.

26 NEW SUBSECTION. 1A. "*Endorsement*" means a person has
27 demonstrated knowledge, skill, and competency in working in
28 a subspecialty within the addiction counseling or addiction
29 prevention services field. A person must pass an exam approved
30 by the board as well as meet all other experiential and
31 educational requirements required by the board to receive an
32 endorsement.

33 NEW SUBSECTION. 1B. "*Licensed addiction counselor*" means
34 a person licensed to practice addiction counseling under
35 supervision pursuant to this chapter.

1 NEW SUBSECTION. 1C. "*Licensed addiction prevention*
2 *professional*" means a person licensed to provide addiction
3 prevention services pursuant to this chapter.

4 NEW SUBSECTION. 1D. "*Licensed advanced addiction counselor*"
5 means a person licensed to practice addiction counseling
6 pursuant to this chapter.

7 Sec. 7. Section 154D.1, subsection 4, Code 2013, is amended
8 to read as follows:

9 4. "*Licensee*" includes a licensed addiction counselor,
10 licensed advanced addiction counselor, licensed addiction
11 prevention professional, licensed marital and family therapist,
12 and a licensed mental health counselor.

13 Sec. 8. NEW SECTION. 154D.2A **Licensure — addiction**
14 **counseling and prevention services.**

15 1. An applicant for a license to practice addiction
16 counseling shall be granted a license by the board if the
17 applicant satisfies all of the following requirements:

18 a. Possesses a bachelor's degree in addictions or a
19 counseling-related area from an accredited educational
20 institution or from a program approved by the board.

21 b. Possesses the required years of supervised clinical
22 experience or its equivalent as approved by the board.

23 c. Passes an examination approved by the board.

24 2. An applicant for a license to practice advanced addiction
25 counseling shall be granted a license by the board if the
26 applicant satisfies all of the following requirements:

27 a. Possesses a master's degree in addictions or a
28 counseling-related area from an accredited educational
29 institution or from a program approved by the board.

30 b. Possesses the required years of supervised clinical
31 experience or its equivalent as approved by the board.

32 c. Passes an examination approved by the board.

33 3. An applicant for a license to provide addiction
34 prevention services shall be granted a license by the board if
35 the applicant satisfies all of the following requirements:

1 *a.* Possesses a bachelor's degree in a prevention-related
2 field from an accredited educational institution or from a
3 program approved by the board.

4 *b.* Possesses the required years of supervised clinical
5 experience or its equivalent as approved by the board.

6 *c.* Passes an examination approved by the board.

7 Sec. 9. Section 154D.3, subsection 1, Code 2013, is amended
8 by adding the following new paragraph:

9 NEW PARAGRAPH. *f.* Standards for supervision of licensees
10 requiring direct or other supervision.

11 Sec. 10. Section 154D.4, subsection 1, Code 2013, is amended
12 to read as follows:

13 1. This chapter and chapter 147 do not prevent qualified
14 members of other professions, including but not limited to
15 nurses, psychologists, social workers, physicians, physician
16 assistants, attorneys at law, or members of the clergy, from
17 providing or advertising that they provide services of a
18 marital and family therapy or mental health counseling nature
19 or which involve addiction counseling or related addiction
20 prevention services consistent with the accepted standards of
21 their respective professions, but these persons shall not use a
22 title or description denoting that they are licensed marital
23 and family therapists, ~~or~~ licensed mental health counselors,
24 licensed addiction counselors, licensed advanced addiction
25 counselors, or licensed addiction prevention professionals.

26 Sec. 11. Section 154D.4, subsection 2, paragraphs a and b,
27 Code 2013, are amended to read as follows:

28 *a.* Students whose activities are conducted within a course
29 of professional education in marital and family therapy, ~~or~~
30 mental health counseling, addiction counseling, or addiction
31 prevention services.

32 *b.* A person who practices marital and family therapy, ~~or~~
33 mental health counseling, addiction counseling, or addiction
34 prevention services under the supervision of a person licensed
35 under this chapter as part of a clinical experience as

1 described in section 154D.2, subsection 2, or section 154D.2A.

2 Sec. 12. Section 154D.5, Code 2013, is amended to read as
3 follows:

4 **154D.5 Sexual conduct with client.**

5 The license of a marital and family therapist, ~~or~~ a mental
6 health counselor, an addiction counselor, an advanced addiction
7 counselor, or an addiction prevention professional shall be
8 revoked if the board finds that the licensee engaged in sexual
9 activity with a client as determined by board rule. The
10 revocation shall be in addition to any other penalties provided
11 by law.

12 Sec. 13. NEW SECTION. **154D.8 Temporary license — addiction**
13 **counseling — addiction prevention services — fees.**

14 A person who has fulfilled all of the applicable
15 requirements for licensure under section 154D.2A, except for
16 completion of the postgraduate supervised clinical experience
17 requirement as determined by the board by rule, may apply
18 to the board for a temporary license. A temporary license
19 shall be designated "licensed addiction counselor — temporary"
20 or "licensed addiction prevention professional — temporary"
21 and shall authorize the licensee to practice addiction
22 counseling or to provide addiction prevention services under
23 the supervision of a qualified supervisor as determined by the
24 board by rule. The license shall be valid for three years and
25 may be renewed at the discretion of the board. The fee for
26 a temporary license shall be set by the board to cover the
27 administrative cost of issuing the license and, if renewed, a
28 renewal fee as set by the board shall be required.

29 Sec. 14. NEW SECTION. **154D.9 Endorsements.**

30 A person licensed as an addiction counselor, advanced
31 addiction counselor, or addiction prevention professional under
32 this chapter may be granted an endorsement by the board when
33 the licensee satisfies all of the following:

- 34 1. Possesses a current and valid license under this chapter.
35 2. Possesses all educational and experiential requirements

1 adopted by the board.

2 3. Passes an examination approved by the board.

3 Sec. 15. TRANSITION PROVISIONS.

4 1. Notwithstanding sections 147.14 and 147.16, the governor
5 may appoint to the board of behavioral science pursuant to
6 section 147.14, subsection 1, paragraph "m", as amended by this
7 Act, subject to confirmation by the senate, in lieu of the one
8 member licensed to practice addiction counseling, one member
9 licensed to practice advanced addiction counseling, one member
10 licensed to practice as an addiction prevention professional,
11 members with experience and expertise that is substantially
12 equivalent to the professional requirements for addiction
13 counselors, advanced addiction counselors, and addiction
14 prevention professionals, as applicable.

15 2. An addiction counselor practicing addiction counseling
16 or an addiction prevention professional providing addiction
17 prevention services on or before January 1, 2015, may continue
18 practicing addiction counseling or providing addiction
19 prevention services, as applicable, while completing licensure
20 as required under this Act. The board of behavioral science
21 shall adopt rules to provide a transition process that
22 allows such addiction counselors and addiction prevention
23 professionals to complete the requirements for licensure no
24 later than June 30, 2016.

25 Sec. 16. IMPLEMENTATION. The sections of this Act relating
26 to requirements for licensure of addiction counselors, advanced
27 addiction counselors, and addiction prevention professionals,
28 including sections 154D.2A, 154D.8, and 154D.9, as enacted
29 in this Act; and sections 147.1, 154D.1, 154D.3, 154D.4, and
30 154D.5, as amended in this Act, shall be implemented so the
31 requirements are applicable beginning no later than January 1,
32 2015.

33 Sec. 17. EFFECTIVE UPON ENACTMENT. This Act, being deemed
34 of immediate importance, takes effect upon enactment.

35 EXPLANATION

1 This bill provides for the licensing of professionals
2 practicing addiction counseling or providing addiction
3 prevention services. The bill provides definitions relating
4 to the different types of licensure and establishes certain
5 minimum requirements for obtaining a license. The bill also
6 allows a professional practicing addiction counseling or
7 providing addiction prevention services to receive a temporary
8 license.

9 The bill requires the board of behavioral science to
10 regulate professionals practicing in the area of addiction
11 counseling or providing addiction prevention services.
12 The bill also allows the board to grant an endorsement to
13 an addiction counselor, advanced addiction counselor, or
14 an addiction prevention professional when the person has
15 demonstrated knowledge, skill, and competency in working in a
16 subspecialty within the addictions field.

17 The bill makes conforming changes in Code chapter
18 147, regarding the general provisions for health-related
19 professions, and amends the membership of the board of
20 behavioral science to include an addiction counselor, advanced
21 addiction counselor, and an addiction prevention professional.

22 The bill provides transition provisions for the initial
23 appointment of the additional members to the board of
24 behavioral science. The bill also provides transition
25 provisions relating to a phased-in implementation of
26 requirements for licensure for addiction counselors, advanced
27 addiction counselors, and addiction prevention professionals
28 practicing addiction counseling or providing addiction
29 prevention services prior to January 1, 2015.

30 The bill takes effect upon enactment, but provides for
31 implementation by January 1, 2015.

32 The provisions of Code chapters 147 and 272C, including
33 licensing sanctions and a provision in Code section 147.86,
34 that a violation of Code chapter 147 or 154D is a serious
35 misdemeanor, are applicable to addiction counselors, advanced

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1 addiction counselors, and addiction prevention professionals
2 licensed under Code chapter 154D. A person who is guilty of a
3 serious misdemeanor is subject to a minimum fine of \$315 and a
4 maximum fine of \$1,875. The court may also order imprisonment
5 not to exceed one year.